

Application S/N 10/643,327
Amendment Dated: December 15, 2005
Response to Office Action dated: August 15, 2005

CE11193JI210

REMARKS/ARGUMENTS

Claims 1-4, 6-10, 12-16 and 18-21 remain pending in the application, as claims 5, 11 and 17 have been canceled without prejudice. In the Office Action, claims 1-6, 9-14, 16-18, 20 and 21 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,908,389 to Puskala (Puskala). In addition, claims 7, 8, 15 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Puskala in view of U.S. Patent Application Publication No. 2004/0047461 to Weisman, et al. (Weisman).

A brief summary of the Puskala reference may be helpful here. Puskala describes a system and method for mobile terminal users who play networked games to communicate with each other. Messages to be sent between players and methods of sending the messages are predefined, either by a game player or at the system level. These messages can then be sent in an easy way by the game player from his mobile terminal to another player for any of various game-related purposes (see the Abstract). Puskala does teach the concept of sending messages to different groups, such as all participants, participants on a player's team or participants not on the player's team (i.e., enemies) (see col. 11, lines 27-44). Puskala, however, mentions nothing about distinguishing between participants of a game and non-participating viewers of a game.

Independent claims 1, 11 and 16 have been amended to clarify that determining whether the requested transfer is permitted according to a set of predefined rules for the multiplayer game can include determining whether a first of the at least two wireless devices is operated by a participant or a non-participating viewer and determining whether a second of the at least two wireless devices is operated by a participant or a non-participating viewer. The determining process also includes determining whether

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the requested transfer is permitted according to the predefined rules that apply to at least one of participants and non-participating viewers of the multiplayer game. No new matter has been added in view of the amendments.

As noted above, Paskula never mentions anything about distinguishing between participants and non-participating viewers when determining whether to transfer information between wireless devices. The present invention allows for such a feature, which can lead to increased features and opportunities in the gaming environment.

In view of the above, Applicant submits that independent claims 1, 11 and 16 are patentable over the prior art. Applicant also believes that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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